

9904260153

SKAGIT COUNTY

99 APR 26 P1:59

Return Address:

BILL BRIGHAM

216 Garden of Eden Rd

Sedro Woolley, WA 98284

P-89422

LAND TITLE COMPANY OF SKAGIT COUNTY

Document Title(s) (or transactions contained therein):

1. Easement
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

on page of \_\_\_\_\_ of document

Grantor(s) (Last name, First, Middle Initial)

1. Brigham, Bill
2. Brigham, Jan
- 3.
4. \_\_\_\_\_ Additional names on page \_\_\_\_\_ of document.

Grantee(s) (Last name, First, Middle Initial)

1. Future Owners
- 2.
- 3.
4. \_\_\_\_\_ Additional names on page \_\_\_\_\_ of document.

Legal description: (Lot, block, plat name, section-township-range)

Ptn Lots 4-21 Block 39 TOWN OF MONTBORNE

\_\_\_\_\_ Additional legal is on page \_\_\_\_\_ of document.

Assessor's Property Tax Parcel Account Number(s):

4136-C11-C07-0000

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BK1979PG0569

DECLARATION OF EASEMENT  
WITH JOINT MAINTENANCE PROVISIONS

This Declaration is made this 26<sup>th</sup> day of April, 1999 by Bill Brigham and Jan Brigham, husband and wife, hereinafter called Declarant.

W I T N E S S E T H :

**WHEREAS;** Declarant is the owner of that certain tract described on the attached Exhibit A, and

**WHEREAS;** Declarant has plans to subdivide the property so described into three separate parcels, and

**WHEREAS;** There is currently in existence a driveway/roadway from State Highway 9 to the parcels to be created, which driveway/roadway is commonly known as Brigham Lane, and

**WHEREAS;** Declarant wishes to establish a non-exclusive easement for ingress, egress and utilities over Brigham Lane and to establish provisions for the joint use and maintenance of the same;

**NOW, THEREFORE;** Declarant hereby conveys to the present and future owners of any future lot to be subdivided from the main tract described in Exhibit "A" attached hereto a non-exclusive easement for ingress, egress and utilities over, under and across the existing driveway/roadway known as Brigham Lane.

Declarant and any future owner of a portion of the property described on Exhibit "A" attached hereto hereby covenant and agree, one with the other, that all maintenance and repair of the roadway which exists for the benefit of the properties to be created, shall be shared between the present and future owners thereof, their heirs, successors and assigns, in direct proportion to their relative use of said roadway.

Declarant further covenants and agrees that should there be a disagreement as to the necessity of any maintenance or repair, each party in ownership at the time of the disagreement shall select a licensed engineer, who together will select a third licensed engineer, and they shall determine whether the disputed maintenance or repair is required to maintain the roadway in a safe and passable manner. The costs of said engineers shall be born exclusively by the non-prevailing party.

Declarant further covenants and agrees that this agreement shall be binding upon themselves, their heirs, successors and assigns and shall be a covenant running with the lands described herein.

Made and executed the day and date above written.

SKAGIT COUNTY WASHINGTON  
Real Estate Division

APR 26 1999

Amount Paid \$  
By Skagit Co. Treasurer  
Deputy

*Bill Brigham*  
Bill Brigham

*Jan Brigham*  
Jan Brigham

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STATE OF WASHINGTON

County of Skagit

ss

I hereby certify that I know or have satisfactory evidence that Bill Brigham and Jan Brigham are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 26 day of April, 1999.

Karan D. [Signature]  
Notary Public in and for the State  
of Washington, residing at Burlington

My appointment expires 3-1-01

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DESCRIPTION:

PARCEL "A":

The North ½ of Lot 4 and all of Lot 5 and Lot 17 through 21, inclusive, Block 39, "PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

Lots 5 through 9, inclusive, Block 11, "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE IN SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

That portion of the 100 foot wide railroad right of way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right of way and between the Southwesterly extensions of both the Southeasterly line of Lot 5, Block 11, and the Northwesterly line of Lot 9, Block 11, as said lines are delineated on "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE IN SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

EXHIBIT "A"

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